



Rep. Chad Hays

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09900HB1886ham001

LRB099 06772 RPS 34160 a

1 AMENDMENT TO HOUSE BILL 1886

2 AMENDMENT NO. _____. Amend House Bill 1886 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by adding
5 Section 3-202.07 as follows:

6 (210 ILCS 45/3-202.07 new)

7 Sec. 3-202.07. Nurse mandated overtime prohibited.

8 (a) Definitions. As used in this Section:

9 "Mandated overtime" means work that is required by the
10 facility in excess of an agreed-to, predetermined work shift.

11 "Nurse" means any advanced practice nurse (except for a
12 certified registered nurse anesthetist who is primarily
13 engaged in performing the duties of a nurse anesthetist),
14 registered professional nurse, or licensed practical nurse, as
15 defined in the Nurse Practice Act, who receives an hourly wage
16 and has direct responsibility to oversee or carry out nursing

1 care.

2 "Unforeseen emergent circumstance" means (i) any declared
3 national, State, or municipal disaster or other catastrophic
4 event, or any implementation of a facility's disaster plan,
5 that will substantially affect or increase the need for health
6 care services or (ii) any circumstance in which patient care
7 needs require specialized nursing skills through the
8 completion of a procedure. "Unforeseen emergent circumstance"
9 does not include a situation in which the facility fails to
10 have enough nursing staff to meet the usual and reasonably
11 predictable nursing needs of its residents.

12 (b) No nurse may be required to work mandated overtime,
13 except in the case of an unforeseen emergent circumstance when
14 such overtime is required only as a last resort. Such mandated
15 overtime shall not exceed 4 hours beyond an agreed-to,
16 predetermined work shift.

17 (c) If a nurse is mandated to work up to 12 consecutive
18 hours, the nurse must be allowed at least 8 consecutive hours
19 of off-duty time immediately following the completion of a
20 shift.

21 (d) No facility may discipline, discharge, or take any
22 other adverse employment action against a nurse solely because
23 the nurse refused to work mandated overtime as prohibited under
24 subsection (b).

25 (e) Any employee of a facility that is subject to this Act
26 may file a complaint with the Department regarding an alleged

1 violation of this Section. The complaint must be filed within
2 45 days following the occurrence of the incident giving rise to
3 the alleged violation. The Department must forward
4 notification of the alleged violation to the facility in
5 question within 3 business days after the complaint is filed.
6 Upon receiving a complaint of a violation of this Section, the
7 Department may take any action authorized under Section 3-119
8 or 3-212 of this Act.

9 (f) Any violation of this Section must be proved by clear
10 and convincing evidence that a nurse was required to work
11 overtime against his or her will. The facility may defeat the
12 claim of a violation by presenting clear and convincing
13 evidence that an unforeseen emergent circumstance, which
14 required overtime work, existed at the time the employee was
15 required or compelled to work.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".